

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q76049

Hyungyoo YOOK

Appln. No.: 10/685,407

Group Art Unit: 2191

Confirmation No.: 7867

Examiner: Qing CHEN

Filed: October 16, 2003

For: SYSTEM AND METHOD FOR MANAGING AN APPLICATION OR SOFTWARE
COMPONENT FOR USE IN A DEVICE TO BE CONTROLLED IN A HOME
NETWORK

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

The real party in interest is SAMSUNG ELECTRONICS CO., LTD., the assignee of the present application. The assignment was recorded on October 16, 2003, at Reel 014618, Frame 0079.

II. RELATED APPEALS AND INTERFERENCES

Upon information and belief, there are no other prior or pending appeals, interferences or judicial proceedings known to Appellants' Representative or the Assignee that may be related to, be directly affected by, or have a bearing on the Board's decision in the Appeal.

III. STATUS OF CLAIMS

Claims 9-14 and 16 are pending in the application and stand rejected. Claims 1-8, 15 and 17-30 are canceled. **Claims 9-14 and 16 are the subject of this Appeal.**

IV. STATUS OF AMENDMENTS

In the Amendment under 37 C.F.R. § 1.116 filed January 4, 2010, claim 16 was amended. The Advisory Action issued February 18, 2010 indicates that this claim amendment was entered. Thus, there are no outstanding non-entered amendments of the claims.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention relates to system and method for managing an application or software component for use in a controlled device in a home network. *See* specification, p. 1, lines 2-9.

The concise description of the claimed subject matter of the present invention is set forth below with regard to independent claim 9. The following discussion includes reference to various portions of the present application to aid in the understanding of the invention. However, such reference, unless otherwise indicated, is intended to point out the described exemplary embodiment; it is not intended to limit the scope of the claims to only the express embodiment cited below.

Claim 9

Claim 9 relates to an application management system 500 comprising a plurality of controlled devices 520 and an application server 510. *See* specification, p. 12, lines 4-11; FIG. 5. The application management system 500 includes a framework 513 capable of providing integrated support to a variety of home network middleware 511 is loaded on the application server 510. *See* specification, p. 7, lines 20-23; FIG. 5. Within the system, one of the plurality of controlled devices 520 controls the application server 510 and performs installation and management of applications for the plurality of controlled devices 520. *See* specification, p. 12, line 12 through p. 13, line 3; FIG. 5. Additionally, the system is configured such that one of the plurality of controlled devices 520 controls the plurality of controlled devices in response to the installed applications. *See* specification, p. 12, lines 17-22; FIG. 5. Each of the plurality of controlled devices 520 includes a home network middleware module 521 for communicating

with the application server 510, and an application management module 522 for installing a new application or managing an already installed application by controlling the application server 510. *See* specification, p. 12, lines 13-22; FIG. 5.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(1) Claims 9, 10, 12-14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies (US 2002/0073244) and Moonen (WO 02/09350).

(2) Claim 11 stands rejected as being unpatentable over Davies and Moonen, in further view of Motoyama (US 7,058,719).

VII. ARGUMENT

(1) Claims 9, 10, 12-14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies (US 2002/0073244) and Moonen (WO 02/09350).

Independent Claim 9

Appellant respectfully submits that Davies and Moonen fail to disclose, “wherein **each of the plurality of controlled devices includes** a home network middleware module for communicating with the application server, and an application management module for installing a new application or managing an already installed application by controlling the application server.”

The Examiner’s basis for the rejection is as follows:

(1) Davies discloses “a plurality of controlled devices . . . wherein each of the plurality of controlled devices includes a home network middleware module for communicating with the application server.” Office Action, p. 13. However, the Examiner concedes Davies fails to disclose wherein each of the plurality of controlled devices includes an application management module for installing a new application or managing an already installed application by controlling the application server. *See* Office Action, p. 5.

(2) Moonen is relied on as teaching “**a bridge device including an application module for installing a new application** or managing an already installed application by controlling the application server.” Office Action, p. 13.

As a rationale for modifying Davies the Examiner alleges it would have been obvious for one of ordinary skill to include the application management module of Moonen in Davies’ controlled devices in order to automate the installation of application files downloaded from a

central server so the user does not have to manually perform the installations. *See* Office Action, p. 14.

In response, Appellant's submit the Examiner has failed to establish *prima facie* obviousness because even if Moonen's "installation manager 122" could be construed as an application module, it does not teach of including an "installation manager 122" **on each of the plurality of controlled devices**. There is simply no rationale for including Moonen's installation manager 122 on a controlled device. The Examiner's rationale ignores the function and purpose of Moonen's installation manager 122 as described by Moonen.

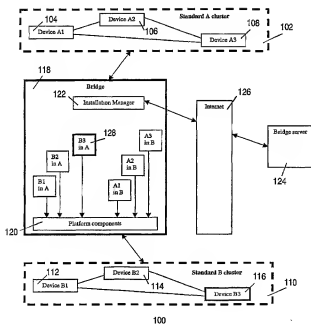


FIG. 1

First, as illustrated in FIG. 1 of Moonen, the installation manager 112 resides on a bridge 118 that is separate and distinct from devices 104, 106, 108, 112, 114 and 116. In this regard, Moonen only shows using the disclosed "installation manager 122" on bridge 118, **not** on each controlled device of a plurality of controlled devices.

In other words, this installation manager is located on a bridge 118, which hosts translation modules for

communicating between each of the plurality of devices. *See* Moonen FIG. 1. In this regard, the installation manager 122 handles the installations of software components needed to integrate a

new device (device B 116) into the system 100 when new device B 116 is added. Consequently, Moonen itself includes a plurality of controlled devices, yet fails to disclose including the installation manager 122 on multiple devices. **Accordingly, the Examiner's supporting rationale to combine contrasts with the exact reference relied on for the modification.** While the Examiner contends it would be obvious to utilize the installation manager 122 of Moonen on each controlled device of a plurality of controlled devices, Moonen, which also shows a plurality of controlled devices fails to disclose, teach or suggest any such configuration.

Thus, as there is no reason to include the installation manager 122 on a controlled device, let alone each controlled device, the Examiner's rationale to combine fails. Therefore, the Examiner has failed to establish *prima facie* obviousness for at least this reason.

Accordingly, Appellant continues to submit the Examiner has failed to establish *prima facie* obviousness. Specifically, while Davies may disclose a controlled device containing various software modules, this in no way provides a reason to include all software modules on the controlled device. Rather, the particular function of the particular software module must be taken into consideration.

Thus, even if Davies and Moonen could be combined as suggested by the Examiner, the suggested combination fails to disclose all the features recited in claim 9.

Therefore, claim 9 is allowable for at least this reason. Additionally, claims 10-14 and 16 are allowable, at least by virtue of their dependency.

Claim Rejections - 35 U.S.C. § 103(a)

Claim 11 stands rejected as being unpatentable over Davies and Moonen, in further view of Motoyama (US 7,058,719).

Because Motoyama fails to compensate for the above noted deficiencies of Davis and Moonen, Appellant submits claim 11 is allowable, by virtue of their dependency from claim 9.

Conclusion

The USPTO is directed and authorized to charge the statutory fee (37 C.F.R. §41.37(a) and 1.17(c)) and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: June 21, 2010

CLAIMS APPENDIX

CLAIMS 9-14 and 16 ON APPEAL:

9. An application management system comprising a plurality of controlled devices and an application server, wherein:

 a framework capable of providing integrated support to a variety of home network middleware is loaded on the application server; and

 one of the plurality of controlled devices controls the application server and performs installation and management of applications for the plurality of controlled devices,

 wherein the one of the plurality of controlled devices controls the plurality of controlled devices in response to the installed applications,

 wherein each of the plurality of controlled devices includes a home network middleware module for communicating with the application server, and an application management module for installing a new application or managing an already installed application by controlling the application server.

10. The application management system as claimed in claim 9, wherein the variety of home network middleware is selected from a group consisting of HAVi and HWW.

11. The application management system as claimed in claim 9, wherein the framework is an OSGi framework.

12. The application management system as claimed in claim 9, wherein an application file is stored in a file server on the Internet.

13. The application management system as claimed in claim 12, wherein the application server includes a home network middleware module for communicating with the plurality of controlled devices, an application loader module for downloading the application file from the file server under the control of the one of the plurality of controlled devices, and an application platform service module for controlling operations of the home network middleware module and the application loader module under the control of the one of the plurality of controlled devices.

14. The application management system as claimed in claim 13, wherein the home network middleware module and the application loader module of the application server are bundled into the framework.

16. The application management system as claimed in claim 9, wherein the application management module determines a location where the new application is downloaded and then requests the application server to install the new application.

EVIDENCE APPENDIX:

Pursuant to 37 C.F.R. § 41.37(c)(1)(ix), submitted herewith are copies of any evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other evidence entered by the Examiner and relied upon by Appellant in the appeal.

None.

RELATED PROCEEDINGS APPENDIX

Submitted herewith are copies of decisions rendered by a court or the Board in any proceeding identified above in Section II pursuant to 37 C.F.R. § 41.37(c)(1)(ii).

None.

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SUBMISSION OF APPEAL BRIEF

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Submitted herewith please find an Appeal Brief. The USPTO is directed and authorized to charge the statutory fee of \$540.00 and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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